

**VERMONT SUPREME COURT  
ADVISORY COMMITTEE ON RULES FOR FAMILY PROCEEDINGS**

**AGENDA FOR MEETING OF  
February 19, 2021**

The Family Rules Committee will meet virtually from 1:30 pm – 3:30 pm to consider the following agenda:

1. Approval of draft minutes of the meeting of December 18, 2020, distributed with this agenda.
2. Status of proposed amendments
  - a. Proposed Amendment to Family Rules to Make Them Consistent with Amendments to V.R.C.P. 3.1. Recent amendments to V.R.C.P. 3.1 which became effective August 18, 2020, replace all references to “proceedings in forma pauperis” with “waiver of filing fees and costs.” This proposal amends V.R.F.P. (2)(a)(2) and V.R.F.P. 4.0(b)(3)(B) so that the Family Rules are consistent with civil, probate and appellate rules. The proposed amendment has been forwarded to the Vermont Supreme Court.
3. Vermont Rules for Public Access to Court Records and Live Streaming in Family Court. Subcommittee (Ms. Bennelli, Magistrate Hoyt, Ms. Sanders and Mr. Poff) are examining whether (1) there should be a broad exception to the revised Public Access Rules to cover Family Division proceedings, or whether there should be specific exemptions to those rules for particular Family Division cases; and (2) live streaming of Family Division proceedings and other issues raised by emergency amendments to V.R.C.P. 79.2 promulgated on September 2, 2019. Revision of proposed V.R.F.P. 19 sent to the Court on November 3, 2018, to be considered. This matter is on the agenda for further discussion.
4. Rules for Legislation Related to Raising the Age of Juvenile Jurisdiction and Youthful Offenders in the Family Division (Act 45 of 2019, Act 201 of 2018 and Act 72 of 2017). Section 7 of Act 72 requires the Supreme Court to consider adoption of appropriate rules by July 1, 2018. Subcommittee (Mr. Pahl, chair, Ms. Racht, Ms. Reynolds and Judge Sharfritz). This matter is on the agenda for a check in to see if there is a draft rule for the Committee to consider.
5. Request from Justice Dooley re coordination between Advisory Committee on Electronic Filing and Family Rules. Justice Dooley is seeking feedback from the Committee with respect to Odyssey, the Court’s new case management system. Judge Kainen to discuss.
6. Amendment to V.R.F.P.(1)(b)(1) to provide enforcement of the requirement to in the rule to provide race and ethnicity data at the time of filing a petition. Subcommittee on juvenile proceedings to report.
7. New Business:
  - a. Amendment to § 1 of Administrative Order No. 29, Advisory committee on Rules for Family Proceedings promulgated by Supreme Court on February 8, 2021. The Amendment reduces the number of lawyers in private practice on the committee from four to three.

- b. Slate of Candidates to Fill Vacancy on Committee: The Supreme Court has requested a slate of three candidates to fill the current vacancy on the Committee. The current vacant slot is for a lawyer in private practice.
  - c. Enforcement of Divorce judgments for property division. Issues raised by Justice Robinson's concurrence in **Blake v. Petrie**, 2020 VT 92 regarding the application of the requirement in 12 V.S.A. § 506 for a "new and independent action" within eight years following rendition of the judgment. (By request of Judge Carlson)  
<https://law.justia.com/cases/vermont/supreme-court/2020/2020-070.html>
8. Other business.
9. Next Meeting Dates.